

1 JEFFREY A. DICKERSON  
2 NEVADA Bar No. 2690  
3 9585 Prototype Ct., Suite A  
Reno, NV 89521  
(775) 786-6664  
(775) 786-7466-Facsimile

4 Attorney for Plaintiff

5  
6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 \* \* \*

9 LORENA FEE, CASE NO. 3:12-cv-00302RCJ-VPC  
an individual,  
10 Plaintiff, OPPOSITION TO MOTION TO DISMISS  
11 vs. SECOND AMENDED COMPLAINT  
12 MANAGEMENT & TRAINING  
CORPORATION, a foreign corporation,  
13 Defendant.  
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15 Plaintiff, through her undersigned counsel submits her Opposition to Motion to Dismiss  
16 Second Amended Complaint as follows:

17 The issue is whether Plaintiff has put Defendant on notice in a plausible way how it  
18 failed to accommodate. In this regard, Defendant argues that "it ignored the fifteen minute  
19 limitation on [sun and heat] exposure" does not meet the mark. The converse of the quoted  
20 language could be "failed to implement" as opposed to "ignored", for, if it "ignored" a request  
21 for accommodation, it at the same time failed to implement it, and thus failed to reasonably  
22 accommodate.

23 "Ignored" implies the existence of knowledge of something, in order to "ignore" it. Thus,  
24 Defendant knew of the requested accommodation and chose not to implement it.

25 Defendant argues that more specifics are needed as to the "how" it "ignored" the  
26 request for accommodation. For example, Defendant suggests that an allegation that it  
27 required Plaintiff to stand outside in the sun in the middle of the day for three hours would be  
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1 additional factual information that would render the claim plausible. But the plausibility  
2 standard cannot be that ridiculous. At some point, the plausibility line is crossed and the  
3 standard is satisfied, as it is in this instance.

4 Based upon the foregoing, the motion should be denied.

5 DATED this 27<sup>th</sup> day of November, 2012.

6 LAW OFFICE OF  
7 JEFFREY A. DICKERSON

8 /S/ Jeffrey A. Dickerson  
9 JEFFREY A. DICKERSON

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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I, Jeffrey A. Dickerson, certify that on this 27<sup>TH</sup> day of November, 2012, I electronically filed the preceding document, pursuant to FRCP 12(b)(6) to be served on all parties to this action via the U.S. District Court's CM/ECF electronic filing system, as follows:

Dora V. Lane  
Krystal J. Gallagher  
**HOLLAND & HART**

/S/ Jeffrey A. Dickerson  
Signature